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09/804,184	03/13/2001	Makoto Kawai	107439-00034	9202

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EXAMINER

TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,184

Applicant(s)

KAWAI ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7,9-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 23.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2-7, 9-12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Doao** [US 5,917,405].

Regarding claims 14, the claimed on-vehicle unit comprises a vehicle condition monitor (the apparatus 1 installed in a vehicle includes a CPU 4 connected to vehicle ignition system 8, fuel pump system, 12 and vehicle equipment systems 11 for monitoring the vehicle operation functions, such as fuel, water, temperature electrical generator, alternator, battery level and other vehicle operation and system functions, see Figs. 1, 5B and 6, col. 24, lines 4-15); and the data server (server computer 510 connected to receiver 511, transmitter 512 and website 520 for communicating with the vehicle apparatus 1 having receive 3A, transmitter 4A, see Figs. 1 and 5B, col. 4, lines 1-67, col. 19, lines 61-67, col. 20, lines 1-67, col. 28, lines 44-67 and col. 29, lines 1-34); and the vehicle condition monitor for monitoring a condition of the vehicle at a predetermined time interval and outputting vehicle condition data (the CPU 4 will continue to interrogate the vehicle ignition system 7 after a predetermined delay period and continued to do so until the vehicle ignition system 7 is determined to be shutoff or

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non-operation, see col. 33, lines 21-54; and the CPU 4 is programmed to select a predetermined time interval such as 10 seconds for monitoring vehicle arming/activating/accessing the apparatus 1, see Fig. 9, col. 43, lines 31-57); and the storage section for storing the vehicle condition data from a predetermined past time to the present (the vehicle monitoring device such as audio and/or video recording devices or camera is equipped with a storage medium for storing the recorded audio and/or video related to the monitored vehicle, and a transmitter or transceiver for transmitting the stored audio and/or video data to a user or operator at a later time, see Figs. 1, 4 and 5, col. 23, lines 27-65 and col. 53, lines 10-46); and the abnormality determining section (the CPU 4 controls and monitors of any failures detected by the vehicle ignition system 8, the fuel pump system, 12 and the vehicle equipment systems 11 and report such failures or malfunction situation to the user or operator and/or for reporting such failures to a central office or computer server 950, see Figs. 5, 6 and 11B, col. 24, lines 32-46, col. 33, lines 10-37, col. 35, lines 1-44 and col. 44, lines 45-58); and the on-vehicle communicator for sending at another predetermined interval the abnormality informing signal output from the abnormality determining section to the data server (the on-vehicle vehicle position and locating device 13 transmits data repeatedly for a predefined time interval of five minutes to authorized user, operator, authorized officer, agency or other entity by the computer server 510 or web 520 for indicating of the vehicle stolen, failure, breakdown and/or to determining that the vehicle has been deactivated, found or recovery, see Figs. 5B, 6, 7 and 11B, col. 4, lines 24-67, col. 5, lines 1-49, col. 24, lines 4-46, col. 38, lines 48-67 and col. 39, lines 1-32); and the data

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server comprises a server communicator for receiving the vehicle condition data sent from the on-vehicle communicator (the receiver 511, 953 of computer server 510, 952 receives a report of failures data or malfunction situation from the transmitter 4A of vehicle apparatus 1 to the individual or central office, see Figs. 5B and 11B, col. 24, lines 32-46, col. 28, lines 44-67 and col. 44, lines 45-58); and the portable communicator for communicating with the data server and the server communicator sends the abnormality informing signal output from the on-vehicle communicator to the portable communicator (the transmitter 957 of server computer 952 transmits any and all appropriate signals to the appropriate and respective devices such as the central security office 950, the portable transceiver 2 and/or the personal computer system PCS 150, wherein the PCS 150 may be adapted to a personal communication device or personal communication service devices includes portable and/or hand-held devices such as cellular telephone, see Figs. 1, 5B, 11A and 11B, col. 15, lines 23-34, col. 20, line 35-43, col. 44, lines 45-65, col. 46, lines 40-51, col. 49, lines 29-53); and the vehicle condition data includes conditions inside the vehicle as well as conditions outside the vehicle (the vehicle equipment 11 including video camera that can be located inside/interior or outside/exterior of the vehicle for video recording data/information inside and/or outside of the vehicle, see col. 23, lines 1-35); and the emergency condition, the on-vehicle communicator sends emergency information to the data server regardless of the predetermined interval (on-vehicle transmitter 4A allows user/operator or occupant to transmit of vehicle emergency information to the receiver 955 and/or

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transceiver 2C to report an emergency, a breakdown and/or some other occurrence, see Fig. 11B, col. 9, lines 65-67, col. 10, lines 1-14 and col. 44, lines 59-65).

Regarding claim 4, all the claimed subject matters are cited in respect to claim 14 above.

Regarding claims 2 and 3, all the claimed subject matters are cited in respect to claims 4 and 14 above.

Regarding claims 5-7, all the claimed subject matters are cited in respect to claim 4 above.

Regarding claim 9, all the claimed subject matters are cited in respect to claim 14 above.

Regarding claims 10-12, all the claimed subject matters are cited in respect to claim 9 above.

Regarding claim 14, all the claimed subject matters are cited in respect to claim 14 above.

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Regarding claims 15-17, all the claimed subject matters are cited in respect to claim 14 above.

Response to Arguments

2. Applicant's arguments filed on 22 January 2004 have been fully considered but they are not persuasive. Because,

Applicant's arguments:

(A) **Doao** fails to disclose or suggest the abnormality on-vehicle communicator for sending at another predetermined interval the vehicle condition data output from the vehicle condition monitor.

(B) **Doao** fails to disclose or suggest that storage section for storing the vehicle condition data output from the vehicle condition monitor from a predetermined past time to the present.

Response to the arguments:

(A) **Doao** eventually indicates that the CPU/microprocessor 4 connected to the vehicle position and locating device 13 to transmit data repeatedly for a predefined time interval of five minutes to authorized user, operator, authorized officer, agency or other entity by the computer server 510 or web 520 for indicating of the vehicle stolen, failure, breakdown and/or to determining that the vehicle has been deactivated, found or recovery.

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(B) **Doao** discloses the vehicle equipment 11 may also includes the monitoring device such as audio and/or video recording devices or camera is equipped with a storage medium for storing the recorded audio and/or video related to the monitored vehicle, and a transmitter or transceiver for transmitting the stored audio and/or video data to a user or operator at a later time, see Figs. 1, 4 and 5, col. 23, lines 27-65 and col. 53, lines 10-46.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Coffee et al discloses a vehicle tracking, communication and fleet management system for monitoring vehicle operation conditions for a predetermined time interval and sending of vehicle monitored data report to a remote server at another predetermined time interval over the computer internet and web. [US 6,611,755]

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (703) 308-5220. The examiner can normally be reached on Mon-Fri from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (703) 305-4717.

The office facsimile number is (703) 872-9314.

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A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a series of loops and a long horizontal stroke extending to the right.

Van Trieu
Primary Examiner
Date: 2/17/04